

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED

DEC - 1 2011

BY: JULIA C. DUDLEY, CLERK  
DEPUTY CLERK

United States of America )

v. )

WAYNE J. LOVELESS )

Case No: 7:03CR30098-001

USM No: 21558-016

Date of Previous Judgment: 05/18/2009 )

(Use Date of Last Amended Judgment if Applicable) )

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): \_\_\_\_\_

## III. ADDITIONAL COMMENTS

Defendant was held responsible for 48 kilograms of cocaine base, and the base offense level remains 38 under the Amended Guidelines. Defendant's total offense level would remain 37, making Defendant ineligible for a reduction. Additionally, Defendant's Motion to Appoint Counsel [ECF No. 109] is DENIED.

Except as provided above, all provisions of the judgment dated 05/18/2009 shall remain in effect.

IT IS SO ORDERED.

Order Date: 12/01/2011



Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Senior United States District Judge  
Printed name and title